



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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June 27, 2016

Attn: Helen Bottcher, RPM
U.S. EPA Region 10 (ECL-122)
1200 Sixth Avenue
Seattle, WA 98101

RE: Washington State Department of Ecology's (Ecology) comments on the Proposed Plan for Amending the Records of Decision for the Wyckoff/Eagle Harbor Superfund Site (OU 1, 2 and 4), April 2016, prepared by US EPA R10

Dear Ms. Bottcher:

Thank you for the opportunity to provide a final review of the Proposed Plan for cleaning up contamination remaining at the Wyckoff Eagle Harbor Site. Ecology appreciates our collaborative partnership as you have led the development of the Focused Feasibility Study and Proposed Plan. As previously affirmed, Ecology supports the Proposed Plan as an interim action in the upland and in-water portions of the Site.

Following our recent discussion of the Proposed Plan, we have a remaining question for clarification of work proposed in OU1 (East Harbor). Please review this request to further clarify how current RAOs meet the substantive requirements of SMS as it has been proposed as an ARAR.

In Section 7.1.2 of Proposed Plan, EPA proposes Nearshore RAO (Remedial Action Objective) #4 for East Harbor as follows:

"Reduce levels of COCs in shellfish tissue to concentrations that protect Tribal shellfish consumers."

Ecology supports the objectives for East Harbor of reducing contaminant concentrations in shellfish to acceptable levels for tribal consumption. Through Nearshore RAO #4, protection of human health (e.g., tribal consumers of shellfish) from bio-accumulative risks will be achieved by establishing target tissue concentrations for shellfish.

Establishment of a sediment cleanup level is considered a substantive provision and minimum requirement in the SMS framework that should be met as an applicable or relevant and appropriate requirement (ARAR) at all state and federal sites (WAC 173-204-505(5), 173-204-570(3), and 173-204-575(3)). For cleanup purposes, the goal of the SMS is to reduce exposure to sediments contaminated with chemicals from cleanup sites and sources (WAC 173-204-500(1)). Tissue concentrations can be used in a weight-of-evidence approach for determining compliance with sediment cleanup standards, and to verify the action is meeting any established tissue background concentrations (WAC 173-204-560(7)(c)).

Ecology's concern about the issue above is as follows:

Is "Reduction of COC levels in shellfish tissue to concentrations that protect tribal shellfish consumers" equivalent to "Reduction of sediment concentration that protect tribal shellfish consumers – background sediment concentration"?

Please describe the process that demonstrates "equivalency of both approaches" or how the establishment of the shellfish tissue concentration that is protective of tribal shellfish consumption is more stringent than the establishment of a sediment cleanup level that is protective of both the benthic community and human health.

Ecology understands and fully supports the EPA objective to complete the Proposed Plan and prepare the Interim ROD. We look forward to continuing to work with EPA in moving cleanup actions at Wyckoff ahead.

Sincerely,



Hun Seak Park, Site Manager

CC: Barry Rogowski, Department of Ecology, Toxics Cleanup Program
Rich Brooks, The Squamish Tribe, Fisheries Department